

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE**

In re:

Case No. 24-10107-KB
Chapter 13

Raymond J. Holman and
Joshualyn V. Holman,
Debtors.

Cadence Bank,
Plaintiff.

v.

Adv. No. 24-1005-KB

Raymond J. Holman and
Joshualyn V. Holman,
Defendants.

ORDER

The Court held a hearing on June 11, 2025, on Plaintiff's Motion for Further Sanctions Against Attorney Neiman Pursuant to Fed. R. Civ. P. 16(f), 37(b)(2), 11 U.S.C. § 105(a) and 28 U.S.C. § 1927 (ECF No. 46) (the "Sanctions Motion") to which the Defendants objected (ECF No. 47). At the hearing, Attorney Gerald D. Neiman presented Plaintiff's attorney with a certified bank check to comply with the Court's order dated May 8, 2025, that required Attorney Neiman to pay Cadence Bank \$1,562.63 by May 19, 2025 (ECF No. 34). Plaintiff's attorney represented at the hearing that the Bank was satisfied with the payment and that its further request for sanctions was resolved. Accordingly, the Court will not award further sanctions as requested in the Sanctions Motion.

In the Sanctions Motion, the Plaintiff also contended that the Defendants failed to comply with the Court's May 12, 2025, order, which required the Defendants to produce additional documents by May 23, 2025 (ECF No. 40) (the "Additional Documents Order"). Defendants' counsel represented at the hearing that the Defendants had produced all documents in their

possession and control in response to the Bank's request and had requested additional statements from their banks and credit card companies but that they had not received documents from all of them. At the hearing, the Plaintiff represented that as of today's date it is missing documents only from Capital One and Citibank. The Defendants indicated they were prepared to sign documentation to aid the Bank in obtaining documents from Capital One and Citibank. Plaintiff's attorney indicated that the Bank would issue subpoenas to obtain the documents directly from Capital One and Citibank.

Accordingly, the Court finds that the Defendants have not failed to comply the Additional Documents Orders and orders as follows:

1. Cadence Bank shall issue subpoenas to Capital One and Citibank no later than June 18, 2025.
2. The deadline to conduct the deposition of Ms. Holman is extended to August 15, 2025.
3. The deadlines set forth in the Court's pretrial order dated April 10, 2025 (ECF No. 24) remain suspended.
4. The status hearing set for June 30, 2025, is continued August 20, 2025, at 2:00 p.m. in Courtroom A, Warren B. Rudman U.S. Courthouse, 55 Pleasant Street, Concord, New Hampshire.
5. The hearings on Plaintiff's Motion in Limine & Request for Sanctions Pursuant to Fed. R. Civ. P. 16(f) (ECF No. 19), Plaintiff's Motion to Compel Production of Documents & Request for Shorter Notice of Hearing Pursuant to FRCP 37(A)(3)(B)(iv) (ECF No. 32), and Plaintiff's Motion to Extend Deadlines and Trial (ECF No. 36) (collectively, the "Motions") are also continued from June 30, 2025 to August 20, 2025, at 2:00 p.m.

6. To the extent that the Plaintiff no longer seeks additional relief pursuant to the Motions, the Bank should withdraw them prior to the hearings.

7. The Court intends to set a new trial date on August 2, 2025.

Date: June 12, 2025

/s/ Kimberly Bacher
Kimberly Bacher
Chief Bankruptcy Judge